

# REQUEST FOR ADVISORY RULING

## For Proposed Development or Uses

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### WHO MAY USE THIS FORM?

This form is for anyone who wishes to request an Advisory Ruling from the Land Use Planning Commission (“LUPC” or “Commission”) regarding the application of a law or rule for proposed development or use. If you are seeking an interpretation regarding land division or some other non-development related inquiry, a different form may be required; please contact the LUPC office that serves your area.

**Important Note: An Advisory Ruling is not a permit and is not binding upon the Commission.** An advisory ruling is an informal yet written opinion and is based on the information provided by the applicant and is intended only as advice or guidance as to how certain requirements may apply to a particular proposal.

To obtain an Advisory Ruling, please complete the attached form and required exhibits. If you feel that any of the questions are not pertinent to your request, enter “N/A” for not applicable. Please remember, however, that our advice will be based only on the information provided. If information relevant to the request is not provided, our ability to respond will be limited and the opinion could be confusing or possibly misleading.

### HOW LONG WILL IT TAKE TO OBTAIN AN ADVISORY RULING?

**An advisory ruling will be issued within 90 days of a complete request form being received and accepted by the LUPC Staff.** In many cases a decision will be made sooner, particularly on smaller projects that meet all the applicable standards. The 90-day time period will not start until a complete request form with all required exhibits is submitted. The LUPC staff will contact you if the request form is not complete and let you know what is still required to make it complete.


### ACCESSING THE PROJECT SITE FOR SITE EVALUATION AND INSPECTION

Under 12 M.R.S. Section 685-C,8: “For the purposes of inspection and to ensure compliance with standards, orders and permits issued or adopted by the commission, authorized commission staff...may conduct investigations, examinations, tests, and site evaluations necessary to verify information presented to it and may obtain access to any lands and structures regulated pursuant to this chapter”.

For some development projects, a request for an advisory ruling cannot be deemed complete until a site visit has been conducted by staff to verify information about a project. Further, in some cases staff will need the applicant or the applicant’s designated agent to be present on site to provide information. As a general policy, when reasonably practicable, staff will notify property owners or their agent prior to visiting the property. Section 8 of the request form, however, provides an opportunity to authorize staff, at the time you file your application, to fully access a project site. Due to our limited resources, this may increase the efficiency of the review of your request.

### WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LUPC office that serves your area and ask to speak to or meet with one of our regional representatives (see below for office locations and contact information). Also, go to the LUPC website at [www.maine.gov/dacf/lupc/](http://www.maine.gov/dacf/lupc/) to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

 *Avoid delays by making sure this request form is complete! Contact the LUPC office that serves your area if you need help with this request.*

### MAILING YOUR FORM

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits – see instructions on page iv) to the LUPC office that serves your area. (see the LUPC website at [www.maine.gov/dacf/lupc/about/offices/index.shtml](http://www.maine.gov/dacf/lupc/about/offices/index.shtml)).

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For office use:

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Tracking No.		Advisory Ruling No.		Fee Received

# Request for Advisory Ruling

*For Proposed Development and Uses*

## 1. REQUESTOR INFORMATION

Requestor Name(s)	Daytime Phone	FAX (if applicable)	
Mailing Address	Email (if applicable)		
Town	State	Zip Code	

## 2. LANDOWNER INFORMATION (If different than Requestor)

Landowner Name(s)	Daytime Phone	FAX (if applicable)	
Mailing Address	Email (if applicable)		
Town	State	Zip Code	

## 3. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation	County		
Tax Information (check tax bill) Map: _____ Plan: _____ Lot: _____	Prior Owner or lessee, if purchased after 1971 (check deed)		
Lot size (in acres, or in square feet if less than 1 acre)	Lot Coverage (in square feet)		
All Zoning on Property (check LUPC map)	Zoning at Development Site		
<b>Road Frontage.</b> List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot: Road #1: _____ Frontage _____ ft. Road #2: _____ Frontage _____ ft.	<b>Water Frontage.</b> List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot: Waterbody #1: _____ Frontage _____ ft. Waterbody #2: _____ Frontage _____ ft.		

## 4. EXISTING STRUCTURES OR USES (Fill in a line for each existing structure) Previous Permit(s) (if applicable)

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Year built or installed *	Exterior dimensions (in feet) (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Horizontal Distance (in feet) of structure from nearest:					
				Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal waters

**\*NOTE:** If you do not know the exact year a structure was built or installed on the property, but you are certain it was prior to September 23, 1971 or prior to your town deorganizing, please enter "pre-Commission". If you do not know whether a structure was built or installed "pre-Commission", it is important that you obtain this information or we may not be able to make a determination on your request. Sources of this information may include: prior owner(s), Maine Revenue Service (207) 624-5611 or your Town or Plantation Assessor for tax records, the landowner (if leased property), Commission records, long time neighbors or other individuals that are familiar with the area.

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**5. PROPOSED STRUCTURES OR USES (INCLUDING DRIVEWAYS AND PARKING AREAS)** (Use additional sheet if needed)

Do you propose to change the use of the property?.....YES NO  
 If YES, explain \_\_\_\_\_

Type of structure (dwelling, garage, deck, porch, shed, driveway, camper, RVs, parking lots, etc.)	Proposal (check all that apply)								Exterior dimensions (in feet) (LxWxH)	Horizontal Distance (in feet) of structure from nearest:					
	New structure	Reconstruct	Expand	Relocate	Remove	deck/porch	Enclose foundation	Permanent setbacks		Change dimensions or setbacks	Road	Property line	Lake or pond	River or stream	Wetland
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							

**6. SUBSURFACE WASTEWATER DISPOSAL (SEPTIC SYSTEM)** (Note: Exhibit may be required. See instructions)

- 6.1 Mark the existing type of system serving the property:  None  Combined Subsurface System (Tank, leach field)  
 Primitive Subsurface Disposal (Privy, graywater – non-pressurized);  Common Sewer (Connected to a sewer district)  
 Holding Tank  Self-Contained Camper or RV  Other \_\_\_\_\_
- 6.2 Has the system been replaced or upgraded (ie. from graywater/privy to a tank/leachfield) since 1971?.....Unknown YES NO
- 6.3 Will any expanded, reconstructed, or new structures include new bedrooms or bathrooms; add plumbing, water fixtures, pressurized water, or the ability for human habitation; or otherwise generate additional wastewater? .....YES NO

**7. VEGETATIVE CLEARING, FILLING AND GRADING, AND SOIL DISTURBANCE**

Please complete the following tables regarding the total size and setbacks of existing and proposed cleared and filled or disturbed areas (if applicable)

Existing	Total size (in sq. ft.)	Distance (in feet) between edge of cleared/filled/disturbed area and the nearest:					
		Road	Property Line	Lake or Pond	River or Stream	Wetland	Ocean/Tidal Waters
Existing Cleared Area							
Existing Filled or Disturbed Area							

Proposed	Total size (in sq. ft.)	Distance (in feet) between edge of cleared/filled/disturbed area and the nearest:					
		Road	Property Line	Lake or Pond	River or Stream	Wetland	Ocean/Tidal Waters
Proposed Cleared Area							
Proposed Filled or Disturbed Area							

**8. REQUESTOR SIGNATURE (REQUIRED)**

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my ruling. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I understand that this Advisory Ruling is advisory and discretionary in nature. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC) administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, the Commission's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC nor do the LUPC staff inspect buildings or enforce any provisions of that Code.

Please check one of the boxes below: (see "Accessing the Project Site for Site Evaluation and Inspection" just prior to the application form)

I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my request.

I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and inspection.

Signature(s) \_\_\_\_\_  
 \_\_\_\_\_

Date \_\_\_\_\_  
 Date \_\_\_\_\_

For office use:

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Tracking No.

Advisory Ruling No.

## EXHIBIT C: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit C** in the instructions on page iii. Do not use colors. Refer to the next page for a sample site plan.

A large grid for drawing a site plan. The grid is composed of 20 columns and 20 rows of squares, providing a space for a bird's-eye view site plan.

Notes/Legend:

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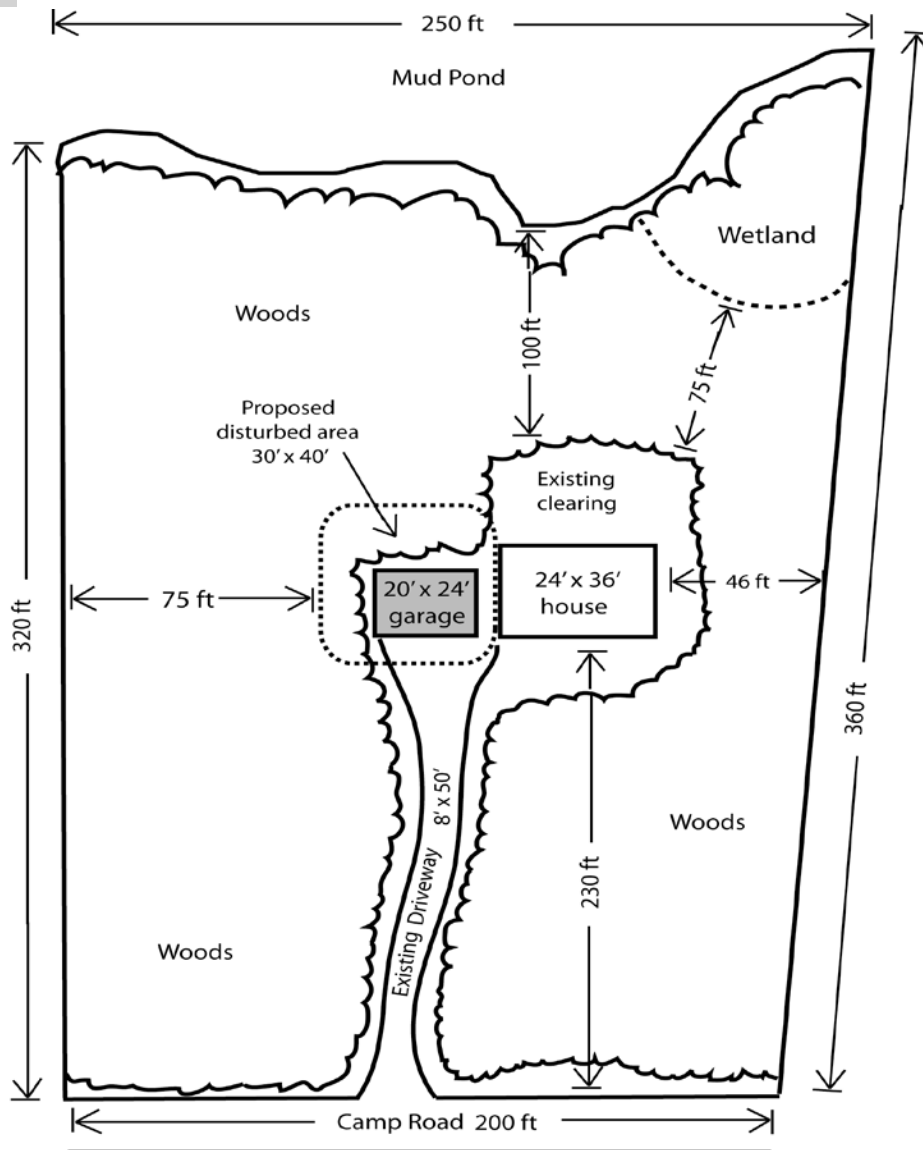
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# CHECKLIST OF REQUIRED FEES, EXHIBITS, AND SUPPLEMENTS

Please check off the following for the fee, exhibits, and supplements. Use the requirements based on certain questions and the instructions in Required Fees, Exhibits and Supplements to determine which are required for your Advisory Ruling request. Please check off if the exhibit is required and if it has been provided, and note that the supplements may also require additional exhibits. Please check with Commission staff if you have any questions.

Required*	Provided			Exhibit	*Required
YES	NO	YES	NO		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fee - \$100 check or money order paid to Treasurer, State of Maine	Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit A - Location Map .....	Required unless already on file with the LUPC.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit B - Site Photographs .....	Required unless already on file with the LUPC and photos are representative of current conditions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit C - Site Plan .....	Required. Show all existing and proposed structures and features.

## Sample Site Plan



- Existing Structures
- Proposed Structures
- Proposed Cleared Area

Total proposed disturbed area:  
30' x 40' clearing and filling/grading,  
including 20' x 24' garage

## 1. REQUESTOR INFORMATION

Print the full names and mailing addresses of the person or company requesting the Advisory Ruling.

## 2. LANDOWNER INFORMATION (IF DIFFERENT THAN REQUESTOR)

Print the full names and mailing addresses of all persons or companies with title, right or interest in the property associated with this request. Persons with "title, right or interest" are those listed on any deed, lease or sales contract for the property.

## 3. PROJECT LOCATION AND PROPERTY DETAILS

**Tax Map, Plan and Lot Numbers:** The tax map, plan and lot numbers are listed on your property tax bill.

**Previous Owner(s) and lessee(s):** If you purchased the lot after 1971, indicate who the prior owner(s) were.

**Zoning:** Locate your property on a LUPC Land Use Guidance Map and identify all the subdistricts covering your lot AND those where the development will be located. The Subdistrict(s) for your property can also be found at the LUPC website by viewing the LUPC Zoning Maps [www.maine.gov/dacf/lupc/plans\\_maps\\_data/zoning\\_maps/index.shtml](http://www.maine.gov/dacf/lupc/plans_maps_data/zoning_maps/index.shtml) or the Zoning & Parcel Viewer [http://mapserver.maine.gov/conservation/LUPC\\_master.php](http://mapserver.maine.gov/conservation/LUPC_master.php).

**Lot Coverage:** Calculate the area of your property that will be covered by structures, driveways, parking lots, and other non-vegetated surfaces after your proposed activities are completed. Include all existing and proposed structures and features on your lot. *For example, a lot with: a 28 foot by 35 foot (980 sq. ft.) dwelling, 10 foot by 12 foot (120 sq. ft.) patio, 20 foot by 20 foot (400 sq. ft.) garage, 20 foot by 50 foot driveway (1,000 sq. ft.), and 20 foot by 20 foot (400 sq. ft.) parking area, would have a total lot coverage of 2,900 sq. ft.*

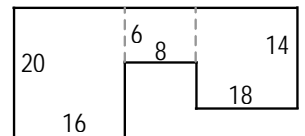
**Road and Water Frontage:** Measure road frontage along the traveled portion of the road, between the points of intersection of side property lines and the road. Measure water frontage in a straight line between the points of intersection of side property lines and the normal high water mark of the shoreline.

## 4. EXISTING STRUCTURES AND PREVIOUS PERMITS

**Previous Permit Number:** Complete if you are aware that a permit has already been issued for your property.

**Types of Structures.** Include a house, camp, garage, bunkhouse, porch, deck, shed, driveway, parking area, etc. For each structure that exists on your property, fill out the appropriate information in the table.

**Exterior Dimensions:** Calculate the dimensions (length, width and height) of each structure along its exterior surfaces. Measure the height of the structure from the peak of the roof (excluding chimneys or antennae) to the mean original grade of the structure along the downhill side. If the structure is irregularly shaped, write in its detailed dimensions. *For example, a structure that is 24 feet high and is shaped like this.....  
would have these dimensions: 16x20x24; 6x8x24; 14x18x24.*



**Type of Foundation:** Describe the type of foundation that supports the structure. Types of foundations include full foundations, basements, frost walls, slabs, posts, sono tubes, etc.

**📍** The **normal high water mark** is the line on the shores and banks of non-tidal waters which is identifiable by the different character of the soil or vegetation due to the influence of surface water. This mark is not necessarily the water line! Call the LUPC if you need help identifying this mark.

**Setback Distances:** All setback distances should be measured horizontally. Road setbacks should be measured as the distance from the edge of the pavement or traveled way to the nearest portion of the structure. Property line setbacks should be measured as the distance from the property boundary line to the nearest portion of the structure. Setbacks from lakes, ponds, rivers, streams and wetlands should be measured as the distance from the **normal high water mark** to the nearest portion of the structure.

## 5. PROPOSED ACTIVITIES

If you propose to change the use of your property, please explain your plans. For each structure that you are proposing to build or alter, fill out the appropriate information in the table. Instructions for calculating exterior dimensions and setback distances are listed in Question 3 above.

**New structure:** Check this box if you plan to build a new principal structure or a new accessory structure. Answer the questions below the table if proposing a new accessory structure.

**Reconstruct:** Check this box if you plan to reconstruct an existing structure or if you plan to reconstruct a deck attached to an existing structure, and answer the questions below the table. Reconstruction is the rebuilding of a structure after more than 50% of its structural components (including walls, roof or foundation) has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place while rebuilding the remainder of the structure is considered a reconstruction.

**Expand:** Check this box if you plan to enlarge or add on to an existing structure or if you plan to increase a structure's height.

**Relocate:** Check this box if you plan to move an existing structure to another place on your lot and answer the questions below the table.

**Enclose deck or porch:** Check this box if you plan to enclose an existing deck or porch.

**Permanent foundation:** Check this box if you plan to add a permanent foundation or replace 50% or more of an existing permanent foundation beneath a structure. Permanent foundations are any supporting substructures that extend below the frost line or permanently withstand freeze-thaw conditions (such as full foundations, basements, slabs, frost walls). Sono tubes or posts installed with augers are not considered permanent foundations.

**Change setbacks or dimensions:** Check this box if you wish to change setbacks or dimensions of a structure that was previously approved.

## 6. SUBSURFACE WASTEWATER DISPOSAL (SEPTIC SYSTEM)

Indicate what type of existing sewage disposal system is currently serving your lot by checking the appropriate box. If your proposal includes adding new bedrooms, bathrooms, plumbing fixtures, pressurized water, or the potential for human habitation, or otherwise generating additional wastewater, you will likely need to contact a Licensed Site Evaluator, your Local Plumbing Inspector or the Division of Environmental Health to determine what requirements you must meet to comply with the Maine State Plumbing Code. If you have questions about the plumbing code, wish to contact your Local Plumbing Inspector, or need a list of Licensed Site Evaluators, contact the Division of Environmental Health, Drinking Water Program, Subsurface Wastewater Unit at (207)287-5672 or go to the Division's website at [www.maine.gov/dhhs/eng/plumb/](http://www.maine.gov/dhhs/eng/plumb/).

## 7. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE

Identify the total size of all existing cleared, filled/graded or disturbed areas on your lot. If you will be clearing any vegetation, filling or grading, or disturbing soil as part of your proposal, identify the total size of the cleared or filled/graded or disturbed area and the distances between the edge of the area and the nearest road, property line, lake or pond, river or stream, wetland and ocean.

*The LUPC regulates the type and amount of trees, shrubs, groundcovers and other vegetation that may be removed as well as the amount of filling, grading and soil disturbance that may occur, especially within 100 feet of lakes and rivers, 75 feet of small ponds and streams, and 50 feet of public roads. See Sections 10.27,B, 10.27,F, and Appendix B of Chapter 10 Land Use Districts and Standards for more details on what is required.*



## REQUIRED FEES AND EXHIBITS

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**APPLICATION FEE** (nonrefundable): submit a check or money order payable to "Treasurer, State of Maine" for the appropriate fee. Advisory ruling requests that do not involve subdivision interpretations, the fee is \$100.00. Advisory ruling requests that involve subdivision interpretations, the fee is as follows: \$150.00 for requests involving up to five transactions; \$300.00 for requests involving more than five but less than 15 transactions; and \$500.00 for requests involving 16 or more transactions.

*Effective 1/1/2022 the LUPC will be accepting digital payments.* The following third-party surcharges apply to digital payment transactions: \$0.25 for debit payments and 3% of the transaction amount for credit card payments; these additional fees can be avoided if the application fee is paid by check or money order. If you intend to pay the application fee online, please indicate that point on your application. Our staff will provide you with the applicable permit fee, a tracking number, and a link to the online payment option.

**EXHIBIT A: LOCATION MAP.** Submit a copy of the Commission Land Use Guidance Map or another equivalent map (such as a U.S.G.S. topographic map or a tax parcel map) on which you have clearly marked the boundaries of your property.

**EXHIBIT B: SITE PHOTOGRAPHS.** Attach a series of photographs taken within the past two years that show the features and structures on your property as they currently exist. **Mount the photos on 8½ x 11 inch paper** and include an explanatory caption and date for each photo. Please note, your photos cannot be returned.

**EXHIBIT C: SITE PLAN.** Prepare a bird's-eye view site plan that shows your entire property. Draw the plan on an 8½ x 11 inch sheet of paper or on the attached grid paper. Do not use colors as they do not photocopy. Refer to the site plan on the next page as an example. Include the following features:

- Property boundary lines and dimensions (including road and water frontage).
- Wooded areas, open fields, rivers, streams, lakes, ponds, wetlands, and other natural features.
- Existing and proposed structures and features (including dwellings, garages, decks, walkways, driveways, parking areas, signs, etc.):
  - Identify the distances of each structure from the nearest property line, road, lake, pond, river, stream and wetland.
  - Mark all existing structures that will be expanded, reconstructed, removed, relocated or otherwise altered.
- Areas that are or will be stripped, graded, grubbed, filled, or otherwise result in exposed soil, their dimensions and distances from waterbodies, roads and property lines.
- Areas that are or will be cleared of vegetation, their dimensions and distances from waterbodies, roads and property lines.
- Proposed erosion, sedimentation and drainage control measures (hay bales, silt fencing, level spreaders, culverts, water bars, etc.)